REMARKS

Claims 1-4, 6-16, 23-25, and 27-33 have been rejected under 35 USC 103(a) as being unpatentable over SU 1685534 in view of Sadeghi et al. These rejections are respectfully traversed.

The Examiner holds that "SU 1685534 A1 discloses a method of separating bitumen from tar sands, comprising the steps of mixing said bitumen and tar sands with water to form an aqueous slurry; tempering said slurry to a temperature of between about 70°C and 80°C; shearing said slurry by agitation for at least one minute; **adding hydrogen peroxide and sodium carbonate (i.,e., sodium bicarbonate) to make the aqueous slurry an alkaline aqueous slurry**; forming oxygen bubbles between said bitument and said sand by decomposing a portion of said hydrogen peroxide therein; and separating said bitumen from said sand."

The Examiner holds further that Sadeghi et al. discloses a method of separating bitumen from tar sands including the steps of **adding "sodium phosphate, sodium hydroxide, and sodium carbonate (i.e., sodium bicarbonate) to raise the slurry pH above 7.0...**and shearing said slurry with a rotary mixer for at least one minute."

The Examiner concludes that it would have been obvious "for SU 1685534 A1 to have used the rotary mixer as taught by Sadeghi et al. in order to have sheared by agitation SU 1685534's aqueous slurry..."

Applicants respond that combining the teachings of SU 1685534 and Sadeghi et al. as suggested by the Examiner would not yield Applicants' claimed invention as claimed most broadly in Claim 1. Examiner's argument regarding shear and agitation is irrelevant. **Both of the cited references, as noted by the Examiner, require addition of an alkalizing agent** to cause the

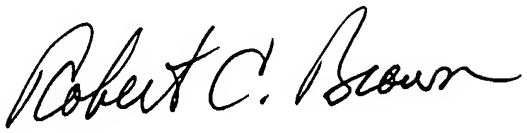
aqueous slurry to become alkaline in order for the respective disclosed processes to proceed. **To the contrary, Applicants' disclosed and claimed process, as claimed most broadly in Claim 1, does not require the addition of alkalizing agents nor does it require alkaline conditions to proceed. Thus, if one of ordinary skill in the art were to combine the teachings of SU 1685534 and Sadeghi et al., Applicant's claimed invention could not result. The success of Applicants' process in omitting an alkalizing agent as taught by the prior art is a suprising and novel discovery made solely by Applicants, and such omission of an element previously thought to be required is not disclosed or suggested in either of the cited references.**

For this reason, Applicants respectfully submit that the rejection of Claims 1-4,6,7,10-16,23-25,27-28,32, and 33 under 35 USC 103(a) as being unpatentable over Sadeghi et al. is not supported and should be withdrawn.

Discussion of the other rejections of Claims 4,6,7,8 and 9 over SU 1685534 A1 in view of Sadeghi et al.; Claims 29 and 31 over Sadeghi et al.; Claims 17-22 over SU 1685534 A1 in view of Sadeghi et al. and further in view of Luft et al.; and Claims 8,9, and 23-31 over Sadeghi et al. is moot because Claims 2-4,6-16,23-25, and 27-33 all depend from independent Claim 1 which has been shown to be patentably distinct from the prior art.

Applicants respectfully request that the remarks presented herein be entered into the case to prepare the case for Appeal.

Respectfully submitted,



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